

Application No: 16/4826M

Location: 2, LANCASTER ROAD, WILMSLOW, WILMSLOW, CHESHIRE, SK9 2HF

Proposal: Proposed two storey 3 bedroom detached dwelling

Applicant: Mr Max Eden

Expiry Date: 08-Dec-2016

## **SUMMARY**

As Cheshire East cannot demonstrate a 5 year supply of deliverable housing sites the presumption in favour of sustainable development at paragraph 14 of the Framework applies where it states that LPAs should grant permission unless any adverse impact of doing so would significantly and demonstrably outweigh the benefits from it, when assessed against the Framework as a whole; or specific policies in the Framework indicate development should be restricted.

The scale of the development reflects the character and appearance of the area and materials will be dealt with by way of a condition.

On balance, the impact on the amenity of the property at 31 Tudor Road is considered to be within acceptable limits for a combination of reasons. All separation distances with other properties are met.

The development raises no issues in respect of highway safety, noise, or ecology. Some matters will be dealt through conditions.

On the basis of the above, it is considered that the proposal represents sustainable development and paragraph 14 is engaged. Furthermore, applying the tests within paragraph 14 it is considered that the adverse effects of the scheme are significantly and demonstrably outweighed by the benefits

## **SUMMARY RECOMMENDATION**

Approve subject to conditions.

## **REASON FOR REPORT**

Councillor Fox has requested that the application be determined by Northern Planning Committee for the following reason;

*Inappropriate scale of dwelling within the plot size; potentially overbearing and overlooking neighbouring properties. Due to the adjacent primary school this location is subject to severe congestion and parking issues. Additional associated vehicles will exacerbate this situation*

## **PROPOSAL**

The application is for the erection of a two storey 3 bedroom detached dwelling. As a result of the development 2 parking spaces will be created at the front of the existing property.

## **SITE DESCRIPTION**

The application site consists of a triangular piece of land that currently forms part of the garden serving 2 Lancaster Road. The site is well maintained and hedges of various types form the boundary of the site to 31 Tudor Road and to the highway that forms the western boundary.

The neighbouring property at 31 Tudor Road has been extensively extended in the past and as a result a habitable room window in the side elevation overlooking the application site. The leftover garden area and existing house at 2 Lancaster Road form the northern boundary of the site.

The immediate area has a mix of houses types and design.

## **RELEVANT HISTORY**

07/0074P – Renewal of approval 02/2078P for erection of dwelling linked to existing dwelling with new garage for benefit of no. 2. Refused 19 April 2007.

03/2383P – Erection of dwelling and garage. Refused 11 November 2003.

02/2078P – Erection of dwelling linked to existing dwelling with new garage for benefit of no. 2. Approved 15 November 2002.

54800P – To build a house on the land adjacent to 2 Lancaster Road to blend in with the existing property. Refused 14 September 1988.

## **NATIONAL & LOCAL POLICY**

### **National Policy**

The National Planning Policy Framework establishes a presumption in favour of sustainable development.

Of particular relevance are paragraphs:

14. Presumption in favour of sustainable development.

50. Wide choice of quality homes

56-68. Requiring good design

### **Development Plan**

BE1 (Design principles for new developments)

DC1 (High quality design for new build)

DC3 (Protection of the amenities of nearby residential properties)

DC6 (Safe and convenient access for vehicles, special needs groups and pedestrians)

DC38 (Guidelines for space, light and privacy for housing development)

DC41 (Infill housing development or redevelopment)

H2 (Environmental quality in housing developments)  
H5 (Windfall housing sites)  
H13 (Protecting residential areas)

### **Cheshire East Local Plan Strategy – Submission Version (CELP)**

The following are considered relevant material considerations as indications of the emerging strategy:

MP1 Presumption in favour of sustainable development  
PG1 Overall Development Strategy  
SD1 Sustainable Development in Cheshire East  
SD2 Sustainable Development Principles  
SC4 Residential Mix  
SE1 Design  
SE2 Efficient use of land

### **Other Material Considerations:**

National Planning Practice Guidance (NPPG)

### **CONSULTATIONS (External to Planning)**

United Utilities – A public sewer crosses the site and United Utilities will not permit the building over of the sewer. Details of surface water drainage are requested and this will be dealt with by way of a condition on the decision notice.

This issue is a private matter between the applicant and United Utilities. If the property is located within the easement for the sewer it could be diverted with the agreement of United Utilities.

Highway Engineer – No objection.

### **VIEWS OF THE PARISH / TOWN COUNCIL**

Wilmslow Town Council – No objection.

### **OTHER REPRESENTATIONS**

Letters of objection have been received from 5 properties over the course of the application. The points of objection relate to;

- Lack of car parking and increase in traffic
- Disruption as a result of the construction works
- Loss of sunlight / overshadowing
- Poor outlook
- Overlooking
- Over-development of the site
- Flooding issues / disposal of surface water

## **APPRAISAL**

### **Principle of Development**

The site is in an area that is identified as being 'predominantly residential' and as such the redevelopment of sites for further residential use are generally acceptable. The site is within walking distance of local shops and services and Handforth train station. The site is considered to be a sustainable location.

### **Housing Land Supply**

On 13 December 2016 Inspector Stephen Pratt published a note which sets out his views on the further modifications needed to the Cheshire East Local Plan Strategy. This note follows 6 weeks of Examination hearings concluding on 20 October 2016.

This note confirms that his previous endorsement for the core policies on the plan still stand and that *"no new evidence or information has been presented to the examination which is sufficient to outweigh or alter my initial conclusions"*. This signals his agreement with central issues such as the 'Duty to Cooperate', the overall development strategy, the scale of housing and employment land, green belt policy, settlement hierarchy and distribution of development.

The Inspector goes on to support the Council's approach to the allocation of development sites and of addressing housing supply. He commented that the Council:

*"seems to have undertaken a comprehensive assessment of housing land supply, and established a realistic and deliverable means of meeting the objectively assessed housing need and addressing previous shortfalls in provision, including assessing the deliverability and viability of the proposed site allocations"*

The Inspector went on to state that the development strategy for the main towns, villages and rural areas appeared to be "appropriate, justified, effective, deliverable and soundly based." As a consequence there was no need to consider other possible development sites at this stage.

The Inspector's recommendations on Main Modifications mean that under paragraph 216 of the Framework the emerging policies of the Cheshire East Local Plan Strategy can be attributed a greater degree of weight – as the Plan as revised is at an enhanced stage, objections are substantially resolved and policies are compliant with National advice.

The Inspector's recommendations on housing land supply, his support for the Cheshire East approach to meeting past shortfalls (Sedgepool 8) indicate that a remedy is at hand to housing supply problems. The Council **still cannot demonstrate a 5 year supply of housing at this time** but it will be able to on the adoption of the Local Plan Strategy. This is highly relevant to the assessment of weight given to housing supply policies which are deemed out of date by the absence of a 5 year supply. Following the Court of Appeal decision on the *Richborough* case, the weight of an out of date policy is a matter for the decision maker and could be influenced by the extent of the shortfall, the action being taken to address it and the purpose of the particular policy. Given the solution to housing supply now at hand, correspondingly more weight can be attributed to these out of date policies.

### **Sustainability**

The National Planning Policy Framework definition of sustainable development is:

*“Sustainable means ensuring that better lives for ourselves don’t mean worse lives for future generations. Development means growth. We must accommodate the new ways by which we will earn our living in a competitive world. We must house a rising population, which is living longer and wants to make new choices. We must respond to the changes that new technologies offer us. Our lives, and the places in which we live them, can be better, but they will certainly be worse if things stagnate. Sustainable development is about change for the better, and not only in our built environment”*

There are, however, three dimensions to sustainable development: economic, social and environmental. These dimensions give rise to the need for the planning system to perform a number of roles:

**an environmental role** – contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy

**an economic role** – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;

**a social role** – supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community’s needs and support its health, social and cultural well-being; and These roles should not be undertaken in isolation, because they are mutually dependent.

## **SOCIAL SUSTAINABILITY**

### **Residential Amenity**

Local Plan policies DC3, DC38 and H13 seek to ensure that new development does not significantly injure the amenities of adjoining or nearby residential property due to amongst other things, loss of privacy, overbearing effect, loss of sunlight and daylight, noise, traffic generation, access and car parking.

New residential developments proposing two storey properties should generally achieve a distance of between 21m and 25m between principal windows and 14m between a principal window and a blank elevation. This is required to maintain an adequate standard of privacy and amenity between residential properties and these are set out in Policy DC38.

With regard to the properties on the opposite side of the Lancaster Road a separation of 21 metres is required. These properties will be located at least 24 metres from the front elevation of the proposed property and the separation between the properties is acceptable.

The property at the rear of the application site is 31 Tudor Road. Planning permission was granted in 1988 for extensions to the property that included a large two-storey extension to

the rear that has a habitable room window in the elevation overlooking the application site. The rear elevation of the proposed property will not incorporate any habitable room windows in the rear elevation and therefore no overlooking will occur. A bathroom window is proposed in this elevation and a condition will be included on the decision notice requiring this window is obscurely glazed.

As no habitable room windows are proposed in this elevation the required separation distance set out in Policy DC38 is 14 metres. The gap between the first floor window and the proposed dwelling is 12 metres.

In this particular case the 12 metre separation is considered to be acceptable. Firstly the window is in an extension to the property rather than part of the original house and it is unusual that a window is placed in the side elevation of the extension rather than the rear elevation overlooking the property's own garden rather than a neighbouring property.

Secondly a previous planning permission with a near identical relationship has been approved in the past. This was never implemented and the renewal application was refused on the basis that at the time the area had an over-supply of housing.

Thirdly the planting located along the boundary are in the ownership of the neighbouring property. They offer a solid screen between the property and the application site. The planting is already at a height similar to that of the bedroom window and any ground floor windows in the existing property will therefore not be impacted upon by a two-storey building 12 metres away.

Finally the orientation of the existing and proposed properties mean that any loss of direct sunlight will only occur when the sun is setting later in the day.

It is considered that the above combination of factors, on balance, justify the separation distance required between the existing and proposed property not reaching the required 14 metre distance.

It is inevitable that some disturbance will occur as part of the construction process. However this will be for a temporary period only and separate legislation is in place to ensure this does not occur. In any event a condition will be included on the decision notice requesting details of a construction method statement in order to minimise any disturbance.

The proposed layout ensures that all the required separation distances set out above are met and therefore no overlooking will occur to a level at which permission could be withheld and the requirements of Local Plan policies DC3, DC38 and H13 are met.

## **ENVIRONMENTAL SUSTAINABILITY**

### **Layout & Design**

Paragraph 56 of the NPPF notes that "the Government attach great importance to the design of the built environment. Good Design is a key aspect of sustainable development, indivisible from good planning".

Policy BE1 of the local plan requires new development to achieve the following design principles:

- Reflect local character
- Respect form, layout, siting, scale and design of surrounding buildings and their setting
- Contribute to a rich environment and add to the vitality of the area
- Be human in scale and not normally exceed 3 storeys
- Use appropriate facilities

The design of the proposed dwelling has been amended during the course of the application so the eave and ridge heights reflect those on 2 Lancaster Road. As a result the scale and appearance of the dwelling does not have detrimental impact on the character of the area. A condition will be included on the decision notice requiring details of the materials to be used in the construction of the property.

In terms of the site layout adequate space is available within the site for the required level of parking and an amount of amenity space that would be expected for a property of this size.

The proposal therefore complies with Policies BE1 and DC1 of the Macclesfield Local Plan.

### **Highways**

There are no highway implications associated with this development proposal; off street parking provision is in accordance with the required minimum standards. The level of development proposed will not have an impact on the operation of the local highway network.

Conditions will be included on the decision notice that require the proposed dwelling maintains 2 off-street spaces and that 2 off-street spaces are provided for 2 Lancaster Avenue before works can commence on the proposed property.

The proposal therefore complies with the requirements of Local Plan Policy DC6.

### **ECONOMIC SUSTAINABILITY**

It is accepted that the construction of a housing development of this size would bring the usual economic benefit to the closest shops in Wilmslow for the duration of the construction, and would potentially provide local employment opportunities in construction and the wider economic benefits to the construction industry supply chain. There would be some economic and social benefit by virtue of new resident's spending money in the area and using local services.

As such, it is considered that the proposed development would be economically sustainable.

### **PLANNING BALANCE**

The site is located within a Predominantly Residential Area where the principle of redeveloping the site for residential purposes is acceptable. The Council cannot demonstrate a 5 year supply of deliverable housing sites and therefore the presumption in favour of sustainable development at paragraph 14 of the Framework applies where it states that LPAs should grant permission unless any adverse impact of doing so would significantly and

demonstrably outweigh the benefits from it, when assessed against the Framework as a whole; or specific policies in the Framework indicate development should be restricted. The benefits in this case are:

- The development would provide benefits in terms of market housing which would help in the Councils delivery of 5 year housing land supply.
- The development would provide economic benefits through the provision of employment during the construction phase, new homes and benefits for local businesses.

The development would have a neutral impact upon the following subject to mitigation:

- The character of the area is not detrimentally harmed but it cannot be necessarily stated that the character of the area is improved.
- There is not considered to be any significant drainage implications raised by this development.
- Highway impact would be broadly neutral due to the scale of the development

The adverse impacts of the proposal are considered to be:

- An increase in the potential for overlooking of the neighbouring property, but at a level considered acceptable as outlined previously in the report.

The comments received in representation relating to material planning considerations have been considered in the preceding text. However, on the basis of the above, it is considered that the proposal represents sustainable development and paragraph 14 is engaged. Furthermore, applying the tests within paragraph 14 it is considered that the adverse effects of the scheme are significantly and demonstrably outweighed by the benefits. The potential for overlooking is increased but as noted above, this is not beyond what would be expected in a residential area. Accordingly the application is recommended for approval subject to conditions.

## **RECOMMENDATION**

The application is recommended for approval.

*In the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add conditions / informatives / planning obligations or reasons for approval/refusal) prior to the decision being issued, the Head of Planning (Regulation) delegated authority to do so in consultation with the Chairman of the Northern Planning Committee, provided that the changes do not exceed the substantive nature of the Committee's decision.*



## Application for Full Planning

### RECOMMENDATION:

1. Commencement of development (3 years)
2. Development in accord with approved plans
3. Submission of construction method statement
4. Submission of samples of building materials
5. Details of drainage
6. Obscure glazing requirement
7. Parking for proposed dwelling
8. Parking provision for the existing property
9. Details of boundary treatment to be submitted
10. Removal of permitted development rights
11. Obscure glazing

